

# Agenda

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## City Council Regular Session

MONDAY  
August 2, 2004

8:00 – 10:00 p.m.  
Council Chambers

### Page

1. Call to Order
2. Roll Call, Flag Salute  
*Flag ceremony led by the Overlake Composite Civil Air Patrol Squadron*
  - (a) Board/Commission recognition CCO 2-1  
Michelle Murphy
  - (b) Recognition of Steering Committee members for the Cultural Compass PCD 2-2  
Mary Pat Byrne
  - (c) Recognition of Mr. Kent Chaplin, Chaplin Motors D.A.R.E. 2-3  
Major Bill Thomas
  - (d) Introduction of Mr. Masataka Maeda, Yao delegate and student exchange participants (*no packet materials*) CMO 2-4  
Hugh Burleson
  - (e) 24-hour Relay Challenge report PARK 2-4  
Helena Stephens
  - (f) Meydenbauer Park Bridge Awards of Excellence TRAN 2-6  
Goran Sparrman

**City Council meetings are wheelchair accessible. American Sign language (ASL) interpretation is available upon request. Please phone 452-6805 at least 48 hours in advance.**



**City of Bellevue**

3. Communications: Written and Oral

*Note: Three-minute limit per person, or five minutes if representing the official position of a recognized organization. A maximum of three persons is permitted to speak to each side of any one topic. Additional presentations may be heard at Agenda Item 13, including three additional persons speaking to topics heard at Agenda Item 3.*

4. Reports of Community Council, Boards and Commissions

(a) Transportation Commission

Commissioner  
Al Yuen

- (1) NE 10<sup>th</sup> Street Extension Overlake Hospital  
Medical Center – Group Health Cooperative  
Campus Expansion

4-1

- (2) 2005 – 2011 Transportation Capital Investment  
Program (CIP) Plan Update

4-4

5. Report of the City Manager

- (a) Management Brief regarding participation in Activate  
America

PARK  
Patrick Foran

5-1

- (b) Management Brief regarding request to remove  
limitations on sound amplification at VASA Park

PCD/  
POLICE  
Carol  
Helland/  
Linda Pillo

5-3

- (c) Management Brief regarding staffing changes at  
Bellevue TV

CMO  
Ed Oberg

5-6

- (d) Management Brief regarding Economic Development  
Policy

PCD  
Matt Terry

5-7

- (e) Management Brief regarding King County Task Force  
on Regional Human Services Interest Statement and  
draft letter

CMO  
Diane  
Carlson

5-9

- (f) Management Brief regarding I-405 Early  
Environmental Investments (EEI) Interest Statement

CMO  
Diane  
Carlson

5-16

6. Council Business

7. Approval of the Agenda

8. Consent Calendar

- |   |      |             |
|---|------|-------------|
| (a) Resolution No. 7054 authorizing execution of a Memorandum of Understanding (Seattle MOU) with the City of Seattle and authorizing the City of Seattle, as lead agency, to apply for a Community Oriented Policing Services (COPS) Interoperable Communications Grant on behalf of Bellevue as subgrantor for the City of Mercer Island for said grant funds; authorizing the City Manager or his designee to enter into an MOU with the City of Mercer Island (Mercer Island Subgrant MOU) establishing the general terms and conditions of the subgrantor/subgrantee relationship between Bellevue and Mercer Island on which Bellevue is relying in authorizing the Seattle MOU | CMO  | <u>8-1</u>  |
| (b) Motion to approve payment of claims for the period July 17, 2004 through July 30, 2004 and payroll for the period July 1, 2004 through July 15, 2004  | FIN  | <u>8-13</u> |
| (c) Resolution No. 7042 authorizing execution of an agreement with Berkley Risk Administrators Company, LLC to provide workers' compensation claims administration services   | FIN  | <u>8-15</u> |
| (d) Resolution No. 7043 authorizing execution of an agreement with Evergreen Adjustment Service, Inc. to provide liability claims adjustment services   | FIN  | <u>8-19</u> |
| (e) Motion to Award Bid No. 0436 for roof replacement at Fire Station 1 located at 766 Bellevue Way SE to Lloyd A. Lynch, Inc as low bidder in the amount of \$127,756.22   | FIRE | <u>8-23</u> |
| (f) Resolution No. 7055 authorizing the City Manager to sign a distribution agreement with King County to accept specialized equipment from the King County   | FIRE | <u>8-27</u> |

Office of Emergency Management and a  
corresponding certifications/assurances agreement to  
support responses to hazardous materials and weapons  
of mass destruction from Federal Fiscal Year 2003  
Supplemental funding

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|---|--------|--------------|
| (g) Resolution No. 7056 authorizing the City Manager and the City of Bellevue Internal Revenue Code Section 457 Plan (457 Plan) Trustees to amend and restate the City of Bellevue Section 457 Umbrella Plan for its Deferred Compensation Plans to the City of Bellevue Section 457 Deferred Compensation Plan   | HR     | <u>8-32</u>  |
| (h) Resolution No. 7057 approving a third Amendment to the Professional Services Agreement with Graham & Dunn for an amount not to exceed \$55,000 (for a total contract amount of \$255,000) for legal services in the pending litigation with Weinstein, et al. and King County concerning sediment and storm water runoff in the Coal Creek basin (USDC No. CO3-2343Z) | LEGAL  | <u>8-91</u>  |
| (i) Resolution No. 7058 authorizing execution of the Settlement Agreement regarding the Newport Yacht Club and Weinstein v. City of Bellevue and King County, USDC Cause No. C03-2534Z  | LEGAL  | <u>8-94</u>  |
| (j) Resolution No. 7059 authorizing execution of a first amendment to the Professional Services Agreement with Preston Gates & Ellis, LLP for an amount not to exceed \$60,000 (for a total of \$105,000), for legal services in the pending litigation entitled Diamatsu v. Bellevue concerning a property on 116th Avenue N.E. also known as Taste of Tokyo             | LEGAL  | <u>8-97</u>  |
| (k) Motion to award Bid No. 0431 for the construction of the South Bellevue Community Center (SBCC) located at Eastgate Park, 14509 SE Newport Way, to Cornerstone General Contractors, Inc., as the lowest responsible bidder, in the amount of \$9,674,460.00   | PARK   | <u>8-100</u> |
| (l) Ordinance No. 5537 authorizing execution of a grant contract with the State of Washington Department of   | POLICE | <u>8-109</u> |

Community, Trade, and Economic Development to accept grant funds for the Eastside Narcotics Task Force; establishing a project within the Operating Grants and Donations Fund by appropriating unanticipated and future revenues to that fund; and authorizing expenditures of said grant funds

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| (m) Motion to award Bid No. 0403 for Citywide rockeries reconstruction to replace a defective rockery with a soil nail wall and construct a second rockery to address sight distance issues in Bellevue's Yarrow Bay neighborhood to Road Construction Northwest, Inc., as low bidder, in the amount of \$439,167.00 (CIP Plan No. PW-M-12)   | TRAN | <u>8-115</u> |
| (n) Motion to award Bid No. 0433 for construction of Forest Drive Phase I improvements to Watson Asphalt Co., as low bidder in the amount of \$2,027,137.20 (CIP Plan No. PW-R-128)   | TRAN | <u>8-119</u> |
| (o) Resolution No. 7060 authorizing execution of an amendment to the Interlocal Agreement with Redmond regarding land use planning and the funding and construction of transportation improvements in the Bel-Red/Overlake Transportation Study (BROTS) Area  | TRAN | <u>8-123</u> |
| (p) Ordinance No. 5538 authorizing execution of a grant agreement (and supplements if necessary) with the Washington State Department of Transportation (WSDOT) for the acceptance of \$750,000 in federal Transportation and Community and System Preservation Program (TCSP) funds awarded to Phase I of the NE 10 <sup>TH</sup> Street Extension project; amendment of the appropriation to the 2003-2009 Transportation CIP to add the \$750,000 grant; and amendment of the 2003-2009 CIP Plan to create a new CIP project entitled PW-R-149, NE 10 <sup>th</sup> Street Extension | TRAN | <u>8-131</u> |
| (q) Ordinance No. 5539 authorizing execution of a grant agreement (and supplements if necessary) with the Washington State Department of Transportation   | TRAN | <u>8-138</u> |

(WSDOT) for acceptance of a Commute Trip Reduction (CTR) Performance Grant award in support of the Bellevue FlexPass Distribution Incentive Program; entering into an agreement with King County Department of Transportation for acceptance of Congestion Mitigation Air Quality (CMAQ) grant funds and implementation of the Bellevue FlexPass Distribution Incentive Program; and amendment of the 2003-2009 CIP Plan to increase the appropriation to the General CIP Fund and the Transportation Demand Management (CIP Plan No. PW-R-87) budget

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| (r) Motion to award Bid No. 0429 for water system security enhancements to PFC, as low bidder, in the amount of \$73,123.39 (CIP Plan No. W-95, Utility Capital Investment Program Fund 4690)  | UTIL | <u>8-145</u> |
| (s) Motion to award Bid No. 0435 for Factoria Reservoir Improvements, to Coatings Unlimited, Inc., as low bidder, in the amount of \$356,265.60 (CIP Plan No. W-69 Utility Capital Investment Program Fund 4690)   | UTIL | <u>8-148</u> |
| (t) Resolution No. 7061 certifying the existence of an emergency and authorizing staff to waive the contract bidding process for construction of emergency public works to address a leaking sewer line along the shoreline of Meydenbauer Bay                         | UTIL | <u>8-152</u> |
| (u) Compton Trails detention vault repair  | UTIL | <u>8-158</u> |
| (1) Motion to Award Alternative 2 of Bid No. 0438, Compton Trails detention vault repair, to Diamaco, Inc., as low bidder for this alternative in the amount of \$185,550.78   |      |              |
| (2) Ordinance No. 5540 amending the 2003-2009 Capital Investment Program Plan by increasing the appropriation in the Utility Storm Drainage CIP Fund to fund the Compton Trails Detention Vault Repair, CIP Plan No. D-64 and amending Section 3 of Ordinance No. 5426 |      |              |

9. Public Hearings

10. Land Use

- (a) Ordinance No. 5541 denying the appeals from a decision of the Hearing Examiner approving the application of Micheal's Toyota, Application No. 04-1000086-LB, for a Conditional Use Permit, with conditions to establish an automobile dealership within the existing Sunset Village Shopping Center, and granting the conditional use permit with conditions

LEGAL  
Siona  
Windsor

10-1

*(Provided for continued consideration of the appeal of the application of Michael's Toyota.*

*Limited public hearing was held July 19, 2004.  
Council direction was provided July 26, 2004.)*

11. Other Ordinances, Resolutions and Motions

- (a) Resolution No. 7062 authorizing execution of amendments to the Memorandum of Understanding (MOU) between the City of Bellevue, the Bellevue Convention Center Authority (BCCA), and the Port of Seattle (Port) incorporating the findings, conclusions, and recommendations of the Feasibility Report for proceeding with a joint investment in the Expansion and repositioning of Meydenbauer Center

PCD  
Matt Terry

11-1

*(Council direction was provided at the July 26, 2004 Extended Study Session)*

- (b) Ordinance No. 5542 amending the Bellevue City Code to allow signs at the upper levels of high-rise buildings downtown; amending Sections 22B.10.020, 22B.10.025 and 22B.10.030 of the Bellevue City Code; and establishing an effective date

PCD  
Kate Berens

11-14

*(This item was discussed with Council at the July 26, 2004 Extended Study Session.)*

12. Unfinished Business

13. Continued Oral Communications
14. New Business
15. Executive Session
16. Adjournment